

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RANDY BLAKE PATTERSON,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-15-1204-HE
	)	
NATIONAL BOARD OF MEDICAL	)	<b><u>TRIAL DOCKET: NOVEMBER, 2016</u></b>
EXAMINERS,	)	
	)	
Defendant.	)	

**SCHEDULING ORDER**

Dated: 01/07/2016                      Judge Joe Heaton, Presiding                      Deputy Clerk: Lisa Minter

Appearing for plaintiff:     Steven Clark, Esq.,

Appearing for defendant:   Jack Dawson, Esq.,

**■ JURY TRIAL DEMANDED -   □ NON-JURY TRIAL**

**THE FOLLOWING DEADLINES ARE SET BY THE COURT:**

- |  |  |
|--|--|
| 1. Motions to join additional parties to be filed by <u>30 days from today</u> .   | (b) Defendant to file a <b>final</b> list of <b>witnesses</b> (as described above) <b>fourteen (14) days</b> thereafter.*          |
| 2. Motions to amend pleadings to be filed by <u>30 days from today</u> .   | 5. (a) Plaintiff to file a <b>final exhibit</b> list by <u>07/01/2016</u> .*   |
| 3. (a) Plaintiff to file a <b>final</b> list of <b>expert witnesses(es) in chief</b> and <b>submit expert reports</b> to defendant by <u>06/15/2016</u> .*                                     | (b) Defendant to file a <b>final exhibit</b> list and any exhibits not previously submitted <b>fourteen (14) days</b> thereafter.* |
| (b) Defendant to file a <b>final</b> list of <b>expert witness(es) in chief</b> and <b>submit expert reports</b> to plaintiff by <u>07/01/2016</u> .*  |  |
| 4. (a) Plaintiff to file a <b>final</b> list of witnesses together with addresses and brief summary of expected testimony where a witness has not already been deposed by <u>07/01/2016</u> .* |  |

**\*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. Except for good cause shown, no witness will be permitted to testify and no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.**

6. Discovery to be completed by 08/01/2016.

7. All dispositive and *Daubert* motions to be filed by 08/15/2016.

If the deadline for dispositive motions and *Daubert* motions precedes the discovery deadline, the parties are expected to conduct any discovery necessary for such motions in advance of the motion deadline.

8. Trial Docket NOVEMBER, 2016.\*\*

**\*\*Trial dockets generally begin the second Tuesday of each month. However, this practice varies, particularly during holidays. The setting or sequence of trials in both criminal and civil cases is ordinarily determined at docket call.**

The interval between the dispositive motion deadline (¶ 7) and the trial docket (¶ 8) is relatively inflexible. An extension of time to file or respond to a motion for summary judgment will likely affect the trial setting.

9. Designations of deposition testimony to be used at trial to be filed by 10/01/2016. Objections and counter designations to be filed by 10/15/2016.

10. Motions in limine to be filed by 10/15/2016.

11. Requested voir dire to be filed by 10/15/2016.

12. Trial briefs (optional unless otherwise ordered) to be filed by 10/15/2016.

13. Requested jury instructions to be filed on or before 10/15/2016.\*\*\*

14. Proposed findings and conclusions of law are to be filed not later than   .\*\*\*

**\*\*\*In addition to filing, the parties are encouraged, but not required, to submit their proposed jury instructions or findings of fact and conclusions of law in WordPerfect format to the Clerk via the Court's designated mail box: [www.heaton-orders@okwd.uscourts.gov](mailto:www.heaton-orders@okwd.uscourts.gov).**

15. Responses to motions in limine shall be filed within **fourteen (14) days**. Any objection or response to the trial submissions referenced in 11, 12, 13, or 14 shall be filed within **seven (7) days**.

16. The Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (*See Appendix IV*), together with a proposed order approving the report, to be submitted to the Court by 10/15/2016.

17. This case is referred to ADR:

- ☐ by agreement of the parties, with the approval of the Court:
- ☒ by Order of the Court:
- ☒ Mediation
- ☐ Judicial Settlement Conference
- ☐ Other: \_\_\_\_\_.

If the case is referred to mediation, the process shall be completed and a report filed with the Court by the parties, stating whether the case settled, not later than 05/01/2016.

18. Notwithstanding LCvR16(a), this case will not be automatically set for judicial settlement conference. The court will, however, order ordinarily such a conference if the parties file a joint motion requesting same within 7 days after the trial docket is published. The motion shall provide reasons justifying the commitment of court resources to the settlement process and shall describe the efforts of the parties to effect an agreed resolution of the case by direct discussions or otherwise. The court may order such a conference upon the motion of a single party filed within that time period, but any such motion must make a particularly strong showing of the need for a judicial conference and shall state why a joint motion has not been made.

19. ☐ The parties consent to trial by Magistrate Judge.

20. Initial disclosures pursuant to Fed.R.Civ.P.26 have been made ☐; are excused ☐; or ☒ shall be made not later than 01/14/2016.

21. Other: \_\_\_\_\_  
\_\_\_\_\_.

Dated this 7th day of January, 2016.

**BY ORDER OF THE COURT  
CARMELITA SHINN, CLERK OF COURT**

By: s/Lisa Minter  
Deputy Clerk

Copies to all parties